

## REMARKS

Claims 1 - 15 remain active in this application. No amendment has been requested and no new matter has been introduced into the application.

Claims 1 - 2, 6 - 8 and 15 have again been rejected under 35 U.S.C. §102 as being anticipated by Carter et al. Claims 3 - 5 have again been rejected under 35 U.S.C. §103 as being unpatentable over Carter et al in view of Welles, II, et al. Claims 9 - 10 and 13 - 14 have again been rejected under 35 U.S.C. §103 as being unpatentable over Carter et al. in view of Stewart. Claim 11 has again been rejected under 35 U.S.C. §103 as being unpatentable over Carter et al. in view of Stewart and Ralieggh et al. Claim 12 has again been rejected under 35 U.S.C. §103 as being unpatentable over Carter et al. in view of Stewart and Gamlyn et al. All five of these grounds of rejection are respectfully traversed for the reasons of record which are hereby fully incorporated by reference and the additional remarks provided below. It is Applicants' position that the Examiner has not recognized or directly addressed a very basic distinction of the invention from the system disclosed by Carter et al. notwithstanding amendatory language and substantial remarks provided in at least the previous response filed August 9, 2004, and has not demonstrated how the secondary references applied in combination with Carter et al mitigate those deficiencies of Carter et al.

The invention, as claimed and as previously pointed out, is directed to leveraging an existing network arrangement having wireless access points by providing transponders for asset location monitoring which can communicate directly with the wireless access points so that asset locations (and condition of those assets, if desired) can be directly reported over the

network. This distinctive feature of the invention is recited in independent claim 1 with the language (emphasis added):

"means for associating said transponder with a device, ... and

*"means for transmitting a signal in accordance with a wireless network protocol that can be received by an access point of said standard data network and interpreted by an access point of said standard data network as identification information."*

Similarly, in independent claim 6, this feature is recited with the language (emphasis added):

*"a transponder detectable by said wireless access points of said computer network, said transponder including means for transmitting identification information in accordance with a wireless network protocol corresponding to said transponder, and*

*"means for accessing and reporting internal network access point information in association with said identification information."*

As previously pointed out, while Carter et al. discloses a system which may provide asset location monitoring and having at least two LANs (one for real-time monitoring of, for example, patient physiological data and one for near real time or non-real-time communications for general purpose wireless access), neither LAN is directly used for asset location monitoring. Rather, as illustrated in Figures 2 - 4 and discussed at column 6, lines 11 - 51, separate location tracking receivers or modules 49A are provided at or in the wireless network transceivers. Location tracking transponders 49B communicate with location tracking receivers 49A in response to being interrogated by chirpers 49C (column 6, lines 28 - 36).

The location tracking receivers or modules forward identification and received signal strength information (RSSI) to a *separate* server 48 and it is from this *separate* server 48 that location data is made available to the remainder of the network 32. While Carter et al. may suggest some variation on this arrangement may be possible, this connection from *separate* server 48 to network 32 for providing location information is said to be made "regardless of the particular tracking method used" (column 6, lines 48 - 51). Carter et al. does not mention any particular network communication protocol for communication from the transponders to the location tracking receivers and, while mentioning the use of the ISM band which Carter et al clearly indicates (at column 5, lines 8 - 14) does not imply not imply a LAN protocol, and does not mention or infer that transponders 49B communicate with network access points at all (e.g. access point receivers 30A and/or 30B as distinct from location tracking modules 49A).

Therefore, it is clearly seen that Carter et al. does not provide for leveraging of the existing network infrastructure by providing a "transponder including *means for transmitting identification information in accordance with a wireless network protocol*" much less one "that can be received by an access point of said standard data network". Simply put, in Carter, a separate location tracking module must be provided, preferable at access points in addition to the access point receivers for the simple reason that the location tracking transponders 49B cannot, in fact, communicate with the access points without a separate receiver such as location tracking receivers 49A being provided. Even then, the received information is provided to a separate location tracking server 48, as distinct from other servers 40, 42 and 46, and the information provided to the network from server 48 rather than from the access points. In other words, Carter provides a

complete arrangement for location tracking separate and distinct from and in parallel with the wireless LAN network and its access points and even having separate receivers and a separate server from which the network obtains asset location information. All of this additional hardware infrastructure is avoided and existing network infrastructure leveraged) in accordance with the invention by the simple expedient of providing transponders which can communicate with a standard network using a standard network protocol. Carter et al. does not teach or suggest such an expedient or provide evidence leading to an expectation of success in doing so in the manner claimed. Therefore, Carter et al. does not anticipate any claim in the application and does not provide evidence of a level of ordinary skill in the art which would support a conclusion of obviousness of doing so. Accordingly, the Examiner has not made a *prima facie* demonstration of anticipation or obviousness of any claim in the application based on Carter et al.

These deficiencies of Carter et al. are not mitigated by the secondary references the Examiner seeks to apply in combination therewith. As previously pointed out, none of the references teach transponders capable of communicating with an access point of a wireless LAN using a standard network protocol and the Examiner has not asserted that any secondary reference contains such a teaching or suggestion. Welles, II, et al. is cited only for disclosing condition sensing and reporting. Stewart is cited merely for the teaching of an inclusion of means for determining proximity of a mobile unit to an access point. Ralieggh et al. is cited only in regard to using quadratic optimization for determining transponder proximity. Gamlyn et al. is cited only for showing use of a neural network for determining transponder proximity. Therefore, the Examiner has not shown how any of these reference

supplement Carter et al in any way in regard to answering the recitations of claims 1 and 6 discussed above which Carter et al. clearly does not answer by teaching, suggestion or evidence of the level of ordinary skill in the art.

Accordingly, it is respectfully submitted that none of the grounds of rejection asserted by the Examiner are tenable and that all are clearly in error since the Examiner has not answered explicit recitations of the claims or otherwise prima facie demonstrated the propriety of an asserted ground of rejection. In regard to the remarks previously presented, the Examiner notes in the paragraph bridging pages 5 and 6 of the present action that Carter discloses a wireless LAN with access points throughout a medical facility and that the access points implement wireless protocols and that network resources may be shared at the access points and that the access points may include location tracking modules with which transponders may communicate. While all of this may be true, it does not address the issue, explicitly recited in the claims, that the transponders communicate with the access points using a network protocol which supports a major meritorious effect of the invention in allowing omission (which Carter et al. does not suggest) of much of the structure which Carter et al. evidently considers to be unconditionally required in providing location tracking modules/receivers and a separate server for location tracking and which provides location information to the network. In fact, it is difficult to discern any reason such duplicative, parallel structure would be considered to be required or disclosed by Carter et al. if the transponders 48B of Carter et al. could answer the recitation of the claims by communicating with the access points using a network protocol. Therefore, it clearly appears that Carter et al. does not even *contemplate* the distinctive

and patentably distinguishing features of the invention which clearly and fully support its meritorious effects. Accordingly, reconsideration and withdrawal of the grounds of rejection of record is respectfully requested.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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